

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GORDAN LARRY AHENAKEW, JR.,

Defendant.

CR-18-07-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 22, 2024. (Doc. 88.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 20, 2024. (Doc. 83.) The United States accused Gordan Ahenakew, Jr. (Ahenakew) of violating his

conditions of supervised release by: (1) consuming alcohol on June 29, 2024; (2) failing to comply with substance abuse treatment requirements on July 17, 2024; (3) using methamphetamine on July 17, 2024; (4)) consuming alcohol during the period of July 17 through July 19, 2024 (5) consuming alcohol during the period of July 22 through July 24, 2024; (6) consuming alcohol on July 29, 2024; (7) violating a state crime by being charged with Obstructing a Peace Officer or Other Public Servant, in violation of Mont. Code Ann. § 45-7-302 on July 29, 2024; and by (8) failing to follow the instructions of his probation officer on July 25, 2024 to remain at home until his inpatient treatment bed date of July 30, 2024. ((Doc. 78.)

At the revocation hearings Ahenakew admitted to having violated the conditions of his supervised release by: (1) consuming alcohol on June 29, 2024; (2) failing to comply with substance abuse treatment requirements on July 17, 2024; (3) using methamphetamine on July 17, 2024; (4) consuming alcohol during the period of July 17 through July 19, 2024; (6) consuming alcohol on July 29, 2024; and (8) failing to follow the instructions of his probation officer on July 25, 2024 to remain at home until his inpatient treatment bed date of July 30, 2024. Ahenakew denied allegations (5) consuming alcohol during the period of July 22 through July 24, 2024; and (7) violating a state crime by being charged with Obstructing a Peace Officer or Other Public Servant, in violation of Mont. Code Ann. § 45-7-302 on July 29, 2024. The Government moved to dismiss allegations (5) and (7), which the

Court granted. Ahenakew's violations are serious and warrant revocation of his supervised release. (Doc. 83.) Ahenakew waived his right to appeal and allocute before the undersigned. (*Id.*)

Judge Johnston found that the violations Ahenakew admitted proves serious and warrants revocation of his supervised release and recommends a sentence of 4 months, with no supervised release to follow. (Doc.88.)

The violation proves serious and warrants revocation of Ahenakew's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 88.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Gordan Ahenakew, Jr. be sentenced to a term of custody of 4 months, with no supervised release to follow.

DATED this 26th day of August, 2024.



Brian Morris, Chief District Judge
United States District Court

